

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BILLY F. STEFFEY,

Petitioner

v.

WARDEN J. SALAZAR,

Respondent.

Case No. 3:19-cv-00093-JR

OPINION AND ORDER

MOSMAN, J.,

On February 25, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 30], recommending that this court deny Mr. Steffey’s Petition for Writ of Habeas Corpus [ECF 1] and Motion for Discovery [ECF 20]. Mr. Steffey objected. [ECF 37]. Mr. Salazar filed a response. [ECF 38]. Upon review, I agree with Judge Russo, and I DENY both the petition and the motion.

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DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation and I ADOPT the F&R [30]. I DENY Mr. Steffey's Petition for Writ of Habeas Corpus [1] and, consequently, DENY his Motion for Discovery [20].

IT IS SO ORDERED.

DATED this 18th day of May, 2020.

Michael W. Mosman

MICHAEL W. MOSMAN

United States District Judge